THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10330 of 1997

Dated:07.2.2007

Between
1.P.Sekhar and another.

.....Petitioner

and

Sri Venkateswara University,
Rep., by its Registrar, Tirupati,
Chittoor District.

…Respondent

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10330 of 1997

ORDER:

This writ petition is filed seeking a Mandamus to direct the respondent to regularize the services of the petitioners from the date of their first appointment as Library Assistants, to pay them the scale of pay attached to the said post and also the arrears after deducting the amounts already paid.

It is the case of the petitioners that the 1st petitioner was appointed as Apprentice and the 2nd petitioner was appointed as Professional Assistant and were paid Rs.800/- per month. The work allotted to them will be generally attended to by Library Assistants. The qualification prescribed for being appointed as Library Assistants is a degree in Arts, Science or Commerce and a Post-graduate Degree in Library Science. According to the petitioners, they were fully qualified for being appointed as Library Assistants. The expenditure was made debitable to Capital Section, Miscellaneous Grant VIII Plan Book guides. Therefore, the petitioners were given artificial breaks and with effect from 4.4.1997 they were not allowed to work. On

enquiries, they came to know that the Vice Chancellor is not in the Country, they made oral submission to the Librarian and he informed that he had addressed a letter to the Registrar on 21.3.1997. Several representations made by them went in vain. Hence, the present writ petition is filed.

A detailed counter affidavit has been filed on behalf of the respondent-University. It is asserted that absolutely there are no merits in the writ petition. The petitioners did not approach this Court with clean hands. They have suppressed the facts which are within their knowledge. The tenure of the appointment of the petitioners was till 31.3.1997. Eight persons including petitioners who were working as Professional Assistants were relieved off their duties on the afternoon of 31.3.1997 on expiry of the term of their appointment. Thus, by the time of filing of this writ petition, they were no longer in employment. Further, it is denied that the petitioners worked on 2.4.1997 and 3.4.1997, in fact, the tenure of their appointment came to an end by 31.3.1997 and there is no need or necessity to issue any termination order. The petitioners were not in service as on the date of filing of this writ petition. Further, it is asserted that for effective and speedy utilization of the Book-grant (released by the UGC) before the end of VIII Plan period ie., 3.1.3.1997, the services of six more persons as Professional Assistants were utilized by the University. Out of them, P.Srinivasulu left the assignment on 30.7.1994. Rest of the 9 persons including the present

petitioners were relieved by the end of VIII Plan period ie., on 31.3.1997. The University is not entitled to spend any amount out of the Book-grant after 31.3.1997. Therefore, the question of continuance of petitioners after the expiry of VIII Plan period i.e., after 31.3.1997 does not arise at all. The services of the petitioners were utilized for the purpose mentioned in the terms and conditions approved by University Grants Commission i.e., accession, processing and cataloguing of the new books and for stacking purposes and not for any other purpose. The duties of Library Assistants are much more than the duties mentioned for the Professional Staff as mentioned in the terms and conditions in the grant approved by the University Grants Commission. The amount paid by way of remuneration to petitioners and other professional assistants was from out of the 15% of the Book grant amount given by University Grants Commission. The University did not pay any amount from out of its funds to the petitioners or other professional assistants at any time by way of remuneration or otherwise, nor the University is entitled to pay. Therefore, after 31.3.1997, the continuance of the petitioners does not arise.

While admitting the writ petition, no interim order was passed. Thus, the petitioners are out of service for more than 10 years. Therefore, the writ petition has become infructuous and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

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07-02-1007

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